

REMARKS

Applicant has amended the claims above to remove reference numerals that were used during the international phase. The changes to the claims have nothing whatsoever to do with any of the rejections in the most recent Office Action. Applicant respectfully requests reconsideration of this application.

The rejection of claims 1-11 and 12-15 under 35 U.S.C. §102(b) must be withdrawn.

Applicant respectfully traverses the rejection of claims 1-11 and 12-15 under 35 U.S.C. §102(b) based upon the *Jackson, et al.* reference.

As an initial matter, Applicant believes that the Examiner perhaps did not consider the claims that were submitted under Article 34 during the PCT phase of this application. As provided for in MPEP 1893.01(a)(3), amendments to the international application properly made under PCT Article 34 during the international preliminary examination phase are entered into the U.S. national stage application by the Office absent a clear instruction by the Applicant that they should not be entered. There was no such instruction by the Applicant in this case and, therefore, the claims submitted under Article 34 during the PCT stage are the claims that are pending in this application. The claims amended above are those claims.

The *Jackson, et al.* reference does not anticipate any of the pending claims. There is nothing in the *Jackson, et al.* reference that in any way pertains to balancing an elevator car assembly by adjusting a platform relative to a frame. Therefore, there is no *prima facie* case of anticipation.

It is clear from the *Jackson, et al.* reference that the platform section 122 is moveable between the positions of Figures 1 and 2 for shipping (Figure 1) and for operating (Figure 2). The arrangement shown in Figure 1 is shipped to a job site and installed. According to column 6, lines 38-58, before the platform section 122 is lowered to the operational position shown in Figure 2, “the car frame 12 and its associated components are completed, supported and properly guided.” There is nothing within the *Jackson, et al.* reference that lends any support to the Examiner’s interpretation that movement of the platform section 122 would somehow provide the claimed feature of balancing the elevator car assembly. There is no anticipation.

**The rejection of claim 16 under 35 U.S.C. §103
must be withdrawn.**

Applicant respectfully traverses the rejection of claim 16.

There is no *prima facie* case of obviousness. First, the *Jackson, et al.* reference does not teach what the Examiner contends as explained above. Further, the proposed combination cannot even be made. There is nowhere within the platform section 122 of the *Jackson, et al.* reference that would lend itself to isolation pads between a plurality of layers and, therefore, it makes no sense to attempt to incorporate any isolation pads from *Smith* into the *Jackson, et al.* arrangement. Without any benefit or logical reason for adding a feature from one reference to another, the legally required reason for making a proposed combination is absent and there is no *prima facie* case of obviousness. Stated another way, one skilled in the art would not expect to obtain any form of success by adding isolation pads into the *Jackson, et al.* arrangement because there is no place for them within that arrangement without completely reconfiguring the platform section 122, for example, which is not permitted when attempting to manufacture a *prima facie* case of obviousness.

The rejection of claim 16 must be withdrawn.

**The rejection of claims 17-20 under 35 U.S.C. §103
must be withdrawn.**

Applicant respectfully traverses the rejection of claims 17-20 under 35 U.S.C. §103.

As an initial matter, the Examiner's characterization of claims 17-20 as product-by-process claims is unsupportable. Unlike the products (e.g., novolac color developer) discussed in MPEP § 2113, which the Examiner cited in the Office Action, claims 17-20 are clearly directed to methods. In other words, as claims 17-20 are directed to methods as opposed to products that result from processes, MPEP § 2113 is completely inapplicable. Moreover, without a teaching of the steps recited in those method claims, there is no *prima facie* case against those claims. The Examiner suggests that finding some structural correspondence between the *Ericson, et al.* reference and some portions of the claims 17-20 somehow gives rise to a *prima facie* case of obviousness. That suggestion is wrong. The Examiner has to establish a teaching of the recited method steps in order to establish a *prima facie* case against any of claims 17-20.

Further, the basis of the rejection is unclear from the Office Action. The rejection begins by suggesting to modify the *Jackson, et al.* reference in view of the *Ericson, et al.* reference. The Examiner's explanation, however, focuses only on the *Ericson, et al.* reference. The Examiner correctly concludes that the *Ericson, et al.* reference is silent regarding various aspects of the methods of claims 17-20 yet the Examiner does not provide any basis for how those admittedly missing elements from the claims would somehow be considered obvious. The Examiner has completely failed to establish a *prima facie* case of obviousness against any of claims 17-20. The rejection must be withdrawn.

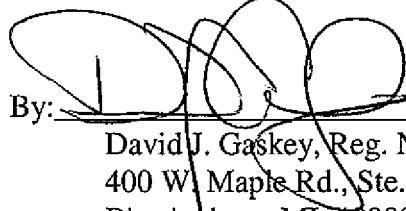
Conclusion

This case is in condition for allowance. If the Examiner believes that a telephone conference would be useful for moving this case forward to being issued, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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